



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

Street Closing Report



Meeting Date: August 18, 2014

Reference Name	Street Closing – 199.81 linear feet of Dodson Street (SC1400009)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 200 linear feet of Dodson Street.		
Applicant	Mike Tarrant, Stewart Inc.	Submittal Date	March 11, 2014
Location	East of Belmont Drive, south of Lutz Lane		
Recommendation	Approve permanent closing of the public right-of-way.		

A. Summary

Mike Tarrant, Stewart Inc. proposes to close a 199.81 linear foot portion of Dodson Street (Attachment 4). The right-of-way is currently open and the portion requested to be closed is bordered by the applicant's property on both sides of the street requested for closure.

This request is associated with a previously approved rezoning request, "Hope Crossing II" in which the applicant committed to submitting a request to close this portion of Belmont Drive (Case Z1300011 – Attachment 5, Cover Sheet & Sheet 2.0; Text Commitment #6). Had the applicant not offered this commitment, they would have been required to build a public street connecting Dodson Street to their proposed development. There is an existing stream on the applicant's adjacent property and the environmental and financial ramifications of making such a connection resulted in the applicant determining that the connection was an unfeasible option and instead requested to close this portion of Dodson Street.

Therefore, with this application the applicant is following through with their commitment to close the street as required by the approved Development Plan. The applicant ultimately proposes to construct 105 residential units on property adjacent to the proposed closing (Case D1300271, Attachment 6).

B. Area Characteristics

The area surrounding the right-of-way is zoned Residential Suburban-8 (RS-8) and Planned Development Residential 6.000 (PDR 6.000). The portion of this

street requested for closure is located within the Suburban Tier. The subject site is located east of Belmont Drive and south of Lutz Lane.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Residential	PDR 6.000	F/J-B
South	Residential	RS-8	F/J-B
East	Residential	PDR 6.000	F/J-B
West	Residential	RS-8	F/J-B

C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No impact	n/a
County - Engineering	No impact	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No impact	n/a
Durham Public Schools	No impact	n/a

Service Agency Comments		
City - Transportation	No impact	n/a
City - Engineering	30 foot Sanitary Sewer Easement Required	Easement Provided
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
City – General Services	No impact	n/a
Police Department	No impact	n/a
Duke Energy	No impact	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a
Tax Assessor Office	No impact	n/a
Address Coordinator, GIS	No impact	n/a

F. Staff Analysis

The area adjacent to the right-of-way is zoned RS-8 and PDR 6.000 and is located within the Suburban Tier. The proposed street closing plat (Attachment 4) indicates that the requested right-of-way will be recombined with the adjacent property owned by the applicant. Staff finds this portion of Dodson Street to be superfluous and recommends approval of the street closing.

G. Recommendation

Approve the permanent closing of 199.81 linear feet of public right-of-way.

H. Staff Contact

Jacob Wiggins, Planner, 919.560.4137 ext. 28257 jacob.wiggins@durhamnc.gov

I. Attachments

1. Context Map
2. Aerial Map
3. Street Closing Application
4. SC1400009 – Street Closing Plat Reduction
5. Z1300011 – Development Plan Cover Sheet Reduction
6. D1300271 – Site Plan Sheet L 1.00 Reduction
7. Street Closing Order